



City of Santa Barbara California

PLANNING COMMISSION

STAFF REPORT

REPORT DATE: October 6, 2016
AGENDA DATE: October 14, 2016
PROJECT: New Zoning Ordinance (NZO)
Draft Module 3: Administration, Parking, and Temporary Uses
TO: Planning Commission
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I. PURPOSE OF THE HEARING

The purpose of this hearing is for the Planning Commission to: receive a report from staff on the latest module of the New Zoning Ordinance (NZO) work effort, *Module 3: Administration, Parking, and Temporary Uses* (Module 3) and certain topics carried over from the two prior modules; receive public comment; and provide direction to staff. This is the last of three modules to review and discuss prior to staff preparing a comprehensive draft NZO document.

The NZO Joint Committee Staff Report (Exhibit A) and Staff Notes (Exhibit B) provide technical discussion and comments on the focus topics for Module 3. This report relies on that staff report as a foundation and reference while summarizing the proposed changes and revisions stemming from public comment and NZO Joint Committee (Committee) direction.

Module 3 (Exhibit C) reflects *extensive* reformatting with efforts to condense and simplify Title 28 of the Santa Barbara Municipal Code (SBMC) – the Zoning Ordinance. It will be difficult for the reader to compare the existing Zoning Ordinance with the NZO, because the organization of the code has changed completely. Where some existing code sections are unclear, repetitive or silent on applicability, or where terms are poorly defined, NZO attempts to add specificity, efficiency and clarity. In some instances, text is replaced with a table and in other instances, rewording or reformatting for clarity has resulted in a lengthier section of text. Relevant ordinance sections of the current Zoning Ordinance and proposed NZO are provided for reference after each topic discussion. Relevant General Plan policies are cited throughout the document and also policies related to parking are in Exhibit D.

II. DISCUSSION

A. CENTRAL BUSINESS DISTRICT BOUNDARY EXPANSION

Relevant General Plan Policy/Implementation Action:

Circulation Element Implementation Action C7.2: "Update the boundary of the delineated area of the Central Business District to include more of the commercial area."

NZO proposes expansion of the Central Business District (CBD) boundary to the north, east and west as outlined in the NZO Joint Committee Staff Report (see Exhibit E, map). Within the CBD, the required parking rate of one parking space per 500 square feet of net floor area (1/500) is commensurate with manufacturing and industrial land uses; however, it is a more “relaxed” standard than the one parking space per 250 square feet of net floor area (1/250) that would typically be required of office, and retail businesses, and the higher parking standard (1 space per 3 seats or 1 space per 100 square feet) for food service uses. The Committee was supportive of the proposed Central Business District (CBD) boundary expansion with reservations about the eastward expansion into the Commercial Manufacturing (C-M) Zone pending additional land use information.

A land use survey was conducted by staff in September 2016 of the roughly three block area in the C-M Zone (see Exhibit F). Manufacturing, industrial, and storage uses occur in whole or in part on 11 of the 39 parcels and account for approximately 16% of the total area (640,000 square feet). Looking at the C-M Zone comprehensively, staff data extending back to 2008 (and reflected in “C-M and M-1 Zones – Existing Land Uses Map” included with the Module 1 Planning Commission Staff Report), shows that industrial uses generally account for 18-19% of land use in the C-M Zone.

Three options are presented to the Commission for the area south of E. Ortega Street:

- Option 1: Extend the eastern boundary to Garden Street then south to Gutierrez Street;
or
- Option 2: Extend the eastern boundary to Garden Street then south to Gutierrez Street and also include the three parcels in the C-M Zone south of Gutierrez Street (which are adjacent to the M-1 Light Manufacturing Zone).
- Option 3: Retain the eastern boundary along Santa Barbara Street;

Staff recommends Option 1 in order to limit incompatible uses on the Palm Avenue block and because the walking distance from the nearest public parking lot at Haley and Anacapa Streets is more than two blocks (see Exhibit G). This differs slightly from the recommendation to the Committee in which the three parcels south of Gutierrez Street were included in the proposed expansion.

Question to Commission: Which option for the southeasterly boundary of the CBD does the Commission prefer?

Frequency: Low Impact: Moderate

[Ref. SBMC §28.90.100.J.1, NZO 28.26.030.M, 28.26.040.A.3, 28.26.050.B]

B. ACCESSORY BUILDINGS AND GARAGES

In response to public input, and brought forward in *Module 2: Development Standards*, NZO proposed to increase the accessory building and garage floor area allowed for larger lots and to also allow the maximum floor area for accessory buildings and garages to be combined. The initial proposal ranged from 1,000 square feet to 2,500 square feet, depending on lot size. While the concept was generally acceptable to the Commission, the maximum totals for accessory buildings were later reduced by staff, and the concept changed to allow accessory

building floor area to be combined with garage floor areas, and to allow the space to be used for either purpose, with limitations. The table below reflects a reduction in the maximum totals, now ranging from 1,000 to 1,750 square feet:

Table: Accessory Buildings and Garages				
	<20,000 s.f.	20k up to 1 ac.	1ac. To 3 ac.	3 ac. or larger
Garage				
Existing	500 s.f.	750 s.f.	750 s.f.	750 s.f.
Accessory Building				
Existing	500 s.f.	500 s.f.	500 s.f.	500 s.f.
Max Total Garage + Accessory On-Site				
Existing	1,000 s.f.	1,250 s.f.	1,250 s.f.	1,250 s.f.
NZO Proposed	1,000 s.f.	1,250 s.f.	1,500 s.f.	1,750 s.f.

The maximum detached livable floor area¹ per lot is proposed to be limited to 500 square feet. Consistent with the current Zoning Ordinance, the maximum size of a single accessory structure would still be limited to 1,250 square feet, and the minimum required covered parking must also be provided. As a means of addressing concerns about larger accessory buildings, a new provision is included that structures over 500 square feet or lots with more than two covered parking spaces would require design review approval.

These revisions to the proposed maximum total accessory building square footage on site were not reviewed by the Committee.

Questions for Commission

1. Does the Commission support the provision to allow garage and accessory building floor area to be combined?
2. Does the Commission support the proposed size limitations for accessory buildings and garages?

Frequency: Moderate

Impact: Moderate

[Ref. SBMC §28.87.160, and to be included in NZO *Module 2*, 28.23.020.G & H.]

C. PARKING

Exhibit D provides many General Plan policies and implementation actions related to parking. Overall, the policies call for a more efficient use of existing on-street parking supply, seeking opportunities for shared parking among uses, concentrating development Downtown

¹ Livable floor area is defined in Chapter 28.55 of NZO as a subtype of floor area, and consists of finished and heated areas.

and along transit corridors, increasing facilities to encourage alternative modes of travel and reducing dependence on the automobile, providing more flexibility for constrained sites, and providing incentives for adaptive re-use of vacant commercial buildings.

1. PARKING REQUIREMENTS FOR FOOD SERVICE USES

The current parking ratio for commercial food service uses ranges from 1/100 sq. ft., 1/250 sq. ft., or 1 per 3 seats. Since 1980, parking for restaurants has been based on the higher of 1/250 or 1 per 3 seats. By providing the option, applicants tend to submit plans for approval showing the lower rate, which is typically 1/250. NZO proposes to remove the seat calculation, which will reduce uncertainty among applicants, staff and the public, and proposes to consolidate all food service uses into one parking rate to address some or all of the issues that are described in the NZO Joint Committee Staff Report (Exhibit A, pages 7-13).

There are two proposed options for addressing food service uses, each with its own benefits and potential concerns: 1/100 sq. ft. or 1/250 sq. ft. Staff requests that the Planning Commission discuss the issue, and determine its preferred option. Both options may be forwarded to the Ordinance Committee and Council with the NZO Joint Committee's and the Planning Commission's recommendations.

Policy Question

An overall policy discussion is necessary to determine the direction the NZO should take in addressing parking ratios for food service uses. The fundamental question is: **What should the parking ratio be for commercial food services?** The considerations are whether the parking rate for all commercial food service uses should be higher to more closely reflect the parking demand for restaurant uses, or should the ratio be lower to allow for more reuse opportunity for commercial buildings.

Discussion

The current ordinance has four different parking requirements for these food service uses, NZO proposes two parking requirements:

Table: Food Service Use Classifications in NZO		
Use Classification	Existing Parking Standard	Proposed Parking Standard
Bars/night clubs/lounges	1/250 sq. ft.	1/250 or 1/100
Food and beverage tasting	1/250 or 1 per 3 seats	1/250 or 1/100
Full service restaurant (seated, pay after eating)	1/250 or 1 per 3 seats	1/250 or 1/100
Convenience restaurant (fast food, no table service)	1/100	1/250 or 1/100
Food preparation (caterers, delis, etc.)	1/250 or 1/500	1/250 or 1/100
Food and Beverage Manufacturing - Limited/Small Scale (<5,000 s.f.)	1/500	1/500
Food and Beverage Manufacturing - General/Large Scale (>5,000 sq. ft.)	1/500	1/500

NZO is proposing a single parking rate for all commercial food service uses: either 1/100 or 1/250. Manufacturing food service uses will remain the same at 1/500. This would affect all commercial areas in the City except the Central Business District and shopping centers, where the parking requirement for food service uses and general commercial uses are already the same (1/500). However, it would not affect industrial or manufacturing uses, as the parking requirement for those uses is 1 space per 500 sq. ft., and additional parking would be required to convert those uses to food service uses.

Effects of Applying a Parking Ratio of 1/100

Fast food restaurants are currently required to provide parking at a ratio of 1/100, which is closer than 1/250 to the average parking demand for all types of restaurants, based on the Institute of Transportation Engineers (ITE). Since most commercial uses are required to provide parking at the 1/250 rate, a change of use from other commercial uses to food service uses would require additional parking spaces, and result in fewer parking impacts to neighboring businesses and residents than using a 1/250 parking ratio for food service uses.

Additionally, increasing the ratio to 1/100 would result in those 1/250 food service uses becoming nonconforming to the new parking requirement.

However, if existing site development precludes providing additional parking spaces on site, those existing commercial uses, with a 1/250 ratio, would likely not be converted to food service uses. The likely result of a 1/100 parking ratio would be that the tenant spaces that can be used as food service uses in the future would generally be those tenant spaces already being used for food service now.

Effects of Applying a Parking Ratio of 1/250

Applying the same 1/250 parking requirement for food service uses as other commercial uses would permit a fluid exchange of allowable land uses in existing buildings, and allow for adaptive reuse. Because the majority of existing commercial uses are already subject to a 1/250 parking ratio, there would be reduced uncertainty among applicants, staff and the public when a change of use from other commercial uses to food service uses is proposed. Additionally, the current parking requirement for several food service uses is already 1/250 and this option would not create any new nonconformities for those uses.

However, since parking demand is closer to 1/100 for restaurants, they will not meet parking demand if they provide parking at 1/250, which would increase the on-street parking burden. Furthermore, the parking requirement for existing fast food restaurants would be reduced from 1/100 to 1/250 which is a 60% reduction in required parking. Over time, this could lead to the expansion of existing fast food service uses without providing additional parking, or a reduction in the number of existing parking spaces provided for the fast food use, both of which would increase the on-street parking burden.

Examples that Illustrate the Policy Considerations

Example 1: Change of Use for New Coffee Shop

The new Handlebar coffee roaster and restaurant is proposed to be located in an existing mattress store on upper De la Vina Street. The existing building is 3,857 sq. ft. and has 15 parking spaces, which is conforming to the general commercial parking ratio of 1/250. If parking for all food services use is increased to a parking ratio of 1/100, then 38 parking spaces would be required for the change of use. As there is no room for an additional 23 parking spaces on site, a food service use would be prohibited in this location; thereby hindering transitions among commercial uses. However, prohibiting a food service use with a parking deficit of 23 parking spaces in this tenant space, and maintaining it as a retail/general commercial use, would reduce impacts to the on-street parking supply in the area.

If parking for all food service uses is 1/250, then no additional parking spaces would be required for the changes of use, and the food service use could occupy the space, thereby easing transitions among commercial uses, but the parking deficit of 23 spaces would increase impacts to the on-street parking supply in the area.

Example 2: Change of Parking Rate for Existing Fast Food Restaurant.

The existing Dunkin' Donuts on upper State Street is located in a 2,040 sq. ft. building. The current parking requirement is 20 spaces (1/100), and the site is developed with 32 spaces. If the parking ratio is reduced to 1/250, Dunkin' Donuts would only be required to have 8 parking spaces, and the reduction of required parking could lead to increased impacts to the on-street parking supply in the area. If

the parking ratio remains 1/100, Dunkin' Donuts would be required to maintain 20 spaces, and impacts to the on-street parking supply in the area would not change.

Issues Related to Food Service Parking

Relevant General Plan Policy/Implementation Action:

Economy and Fiscal Healthy Element Policy 15: Protect Industrial Zoned Areas. Preserve the industrial zones as a resource for the service trades, product development companies, and other industrial businesses not precluding priority housing in the C-M, Commercial Manufacturing Zone.

Staff is aware of concerns about the proliferation of food service uses in the Funk Zone and Manufacturing and Industrial zones in locations without adequate parking. NZO contains several provisions related to parking that protect industrial uses.

1. The parking ratio for industrial uses is 1/500. Currently, parking must be provided only for the *difference* between the old use and the new use on a change of use. NZO proposes that parking is required to be brought up to current code requirements to convert those uses to any other use that requires more parking, including food service uses.
2. Currently, tenant spaces that are occupied by different land uses (e.g., wine production and wine tasting), or common areas in multi-tenant buildings, will show parking at the lowest rate. NZO proposes that different land uses must be physically separated within the tenant space, or the tenant must park the entire space at the highest rate.

Staff Recommendation

NZO proposes to remove the option for a parking ratio of 1 space per 3 seats for restaurants. A new numerical standard must be implemented. Given the various benefits, concerns and General Plan policy direction, staff recommends that the Planning Commission select a consolidated parking ratio of either 1/100 or 1/250 for commercial food service uses.

Frequency: High

Impact: High

[Ref. SBMC 28.90.100.J & K, NZO Table 28.26.040]

2. PARKING REQUIREMENTS FOR A CHANGE OF USE

Relevant General Plan Policies/Implementation Actions:

Economy and Fiscal Health Policy 12: Re-Use of Commercial Space. Provide incentives for adaptive re-use of vacant commercial buildings.

Currently, additional parking spaces must be provided only for the *increase* related to a change of use. As currently drafted, the NZO proposes that parking is required to be brought up to code to convert a use to any other use that requires more parking, and to allow uses with the same or fewer parking spaces to keep their existing nonconforming parking.

Industrial to Commercial

In order to preserve industrial uses, the Committee gave direction, and NZO now proposes, that in order to change from an *industrial* use (with a lower parking requirement) to a *commercial* use (with a higher parking requirement) all parking spaces must be provided, rather than just for the increase. This serves as a disincentive to converting industrial uses and provides for the increase in parking demand on a change of use.

Commercial to Commercial

The Committee gave direction that changes of use between any of the *commercial and semi-public* land use categories (See Table 28.26.040, pages 97-103 of NZO, Exhibit C) be allowed with only the incremental increase in parking provided to increase flexibility between uses in these categories. Most uses within those categories require parking at a 1/250 rate and would not be greatly affected. However, there are nine commercial and semi-public land uses with parking rates that have higher or unique rates and do not lend themselves to a consolidated rate (1/250) with the rest of the commercial uses:

1. Cinema/Theaters – 1/100
2. Commercial Entertainment and Recreation - Large Scale – per CUP
3. Hotels and Extended Stay Hotels – per room
4. Community Assembly (church, etc.) – 1/100
5. Emergency Shelter – 1 per 8 beds
6. Recreational Vehicle Park – Overnight – guest parking only
7. Recreational Vehicle Park – Permanent – per residential rate
8. Schools (private K-12) – per classroom
9. Skilled Nursing Facilities – 1 per 2 beds

Staff recognizes the Committee's desire for greater flexibility on changes of use within the commercial and semi-public land uses, and explored provisions to accommodate only the increase in parking. However, due to the infrequency and uniqueness of these nine uses, staff believes that in the event that any of these uses are proposed as a change of use, it would be appropriate for these uses to provide the full parking requirement.

However, if the outcome of the food service uses discussion above (Section II.C.1) results in a preferred parking ratio of 1/100, then food service uses would have a higher parking ratio than the rest of the consolidated commercial land uses (1/250), and staff would recommend that parking only be required for the increase on the nine above listed uses, plus all the food service uses, to allow more flexibility.

Change of Use to Residential

The Zoning Ordinance does not explicitly address the parking requirement when *new residential units* are added within existing buildings. The ordinance is clear when new buildings are constructed, parking for the new building must be provided, but the ordinance is less clear when there is a conversion within an existing building that results in a new unit. The question is: **Should residential uses be treated the same as nonresidential uses for “changes of use?”**

Examples

1. An existing lot with a 2,000 sq. ft. office building requires 8 parking spaces, but it only provides 4 parking spaces, therefore there is a “nonconforming credit” of 4 parking spaces.
 - If a new residence is constructed on the site, the project would be a mixed-use project, and 1 new parking space would be required to be added for the residential unit; **Total = 5 spaces.**
 - If a 1,000 sq. ft. portion of the existing office building was *converted* to one residential unit, and the remainder was left as office building, the parking requirement would be: 1 space for the unit plus 4 spaces for the office building; Total = 5. However, because the parking requirement for the proposed use (5 spaces) is less than the parking requirement for the existing use (8 spaces), no new parking spaces would be required; **Total = 4 spaces.**
2. The conversion of an existing building to residential units is more complex when the existing building is residential, because adding units is not considered a “change of use” but rather just an increase in density. For example, if an existing 2,000 sq. ft. single-unit residence with zero parking spaces (2 spaces required) were to be converted to four residential units (3 new units), the current Zoning Ordinance is not clear if the proposed project requires either: 4 parking spaces (one per unit), or 3 parking spaces (one per NEW unit), or 2 parking spaces (just the *difference* between the new units and the existing unit).

Staff Recommendation

Since required parking for residential uses is by *unit*, and not by *floor area*, the conversion between nonresidential uses and residential uses is not as straightforward as it is between solely nonresidential uses. Staff recommends that the ordinance include a provision that any new residential unit be required to provide conforming parking for that unit. Although this may make it more challenging to convert existing nonresidential uses to residential uses, staff believes that when new residential units are proposed, as a minimum standard, the required parking should be provided.

Questions to Commission

1. Is the approach for the change of use from industrial to commercial supported?
2. Is the approach for the change of use from commercial to commercial uses (the nine listed uses in this section) supported?

3. Is the approach for a change of use to residential supported?

Frequency: High

Impact: High

[Ref: SBMC §28.90.001.N, NZO 28.26.020.B, 28.26.030.G]

3. NONCONFORMING PARKING – LIMIT ON ADDITIONS

The existing zoning ordinance allows land uses that are legal nonconforming to parking requirements to be maintained and altered, and allows additions to be constructed, so long as: 1) parking is provided for the increase on any addition or alteration, and 2) cumulative total additions do not exceed 50% of the floor area that existed on site as of July 15, 1980. NZO proposes to revise or eliminate the “50 Percent Rule” for nonconforming parking.

Policy Question

The fundamental policy question is this: **Should there be a limit on additions to existing development with nonconforming parking?**

Perceptions

There is a perception in the community that parking demand correlates directly to the size of a house, that parking requirements are the only tool limiting development, and that nonconforming buildings should eventually conform. In this section, we will pose several common perceptions about nonconforming parking and answer these concerns.

CONCERN #1: The bigger the house, or the more bedrooms it has, the more parking spaces it should have.

RESPONSE

- Because the City’s parking requirement for a single-unit residence is two spaces regardless of size, an 800 square foot two-bedroom house has the same parking requirement as an 8,000 square foot 10-bedroom house, so the ordinance does not require more parking spaces for larger house than smaller houses, or houses with more bedrooms.
- According to the Institute of Transportation Engineers (ITE), average parking demand for a single-unit residence is two spaces, regardless of house size. The average parking demand takes into account that over the life of a house, occupancy will vary, for example: a couple, a family of 6, a single person, 4 roommates, etc. At any given time, this is the general pattern, leading to an average demand of two parking spaces, per unit, overall within the City.
- Neighborhoods that are currently impacted with street parking may be that way for a variety of reasons unrelated to house size, such as: garages not being used for parking, nonresidential parkers utilizing neighborhood street parking, higher than average household size (more than 2.45 occupants), or households with higher than average number of vehicles (more than 2).

CONCERN #2: Without the “50 Percent Rule” there will be no limit on development.

RESPONSE

- The “50 Percent Rule” was not intended to limit the size of development, it was intended to be a trigger for providing conforming parking. There are several other ordinances that were specifically designed to regulate the size of development in the City: the Floor to Lot Area Ratio (FAR) ordinance limits the size of single-unit homes; the Average Unit Size Density (AUD) ordinance limits the size of units in multi-unit development; the City’s Growth Management Plan (GMP) limits the size of new nonresidential additions per lot and Citywide.
- Santa Barbara is a developed, mature City and most existing apartment buildings and condominiums are “maxed out” in terms of lot coverage. Other zoning limitations such as open space, setbacks, and density already constrain development potential.

CONCERN #3: Nonconforming buildings should phase out over time and all development should eventually be conforming.

RESPONSE

- The City’s nonconforming ordinance takes a liberal position on allowing the continuation of, and improvements to, existing nonconforming buildings. If a building is nonconforming to other zoning standards (such as setbacks, open yard, etc.) the current ordinance allows additions, alterations, even the complete demolition and reconstruction, as long as these changes do not increase the nonconformity. It is not the intent of the ordinance to require existing nonconforming buildings to be demolished in order to make way for new conforming buildings, but rather to allow conforming additions to nonconforming buildings that do not increase the nonconformity.

Options

Staff would like to present two options for addressing existing residential and nonresidential development with nonconforming parking:

1. Remove the limit on additions (i.e., Remove the “50 Percent Rule”); or
2. Continue to limit additions, but revise the ordinance to allow more flexibility.

For both options, the existing requirement to provide parking for the increase on any addition or alteration would remain, as would the requirement for nonresidential development to provide additional parking spaces for a change of use, and whenever a building is demolished and rebuilt with additions.

Discussion

The Committee was presented with options to retain the limit on additions to existing buildings with nonconforming parking (see NZO Joint Committee Staff Report,

Exhibit A, pages 13-14). The Committee did not have a consensus recommendation, but felt that some flexibility for additions should be explored.

Option 1: Remove the Limit on Additions. This option would remove the maximum limit on additions (i.e., remove the “50 Percent Rule”) for existing development to bring parking up to code, and would therefore allow additions up to the maximum allowable consistent with the City’s other zoning requirements. The Committee was not presented with this option.

The benefits of removing the limit on additions are:

- Allows single-unit residences to construct conforming additions of any size to their homes;
- On those homes where parking cannot be provided, and where additions would exceed 50%, encourages owners to keep their existing buildings, and add onto them, rather than demolishing them;
- Facilitates the construction of new buildings, including new residential units, since only the new construction would be required to meet current parking requirements;
- Eliminates the inequity of restricting small homes to smaller additions and allowing large homes to build larger additions;
- Would be similar to other development standards for other nonconformities, such as setbacks, where there is no maximum limit on conforming additions.
- Simplifies the parking ordinance so it is clear, concise, and easy to understand; and eliminates uncertainty among applicants, staff, and the public about when parking needs to be brought up to code.

The potential concerns to removing the limit on additions are:

- Staff believes that in the lower density Residential Single Unit Zones, there would not be a noticeable increase to parking demand on the street; however, there could be more parking demand on the street in more densely populated Residential Single Unit Zones, and these neighborhoods already have a higher demand for parking on the street.
- Eliminates a trigger for providing conforming parking. Parking would only be brought up to code upon demolition of the house (more than 50% demolished as proposed in NZO), and its replacement with an addition or different house (like-for-like demolition and replacement is not required to bring parking up to code).
- Some property owners may choose to construct additions in locations where conforming parking could have been placed instead, thereby eliminating the possibility of ever providing conforming parking.

Option 2: Continue to Limit Additions. This option would continue to allow a certain amount of additions before requiring that parking be brought up to code. If desired by the Planning Commission, multi-unit residential and nonresidential

limitations could be different than the single-unit residential limitations. There are several approaches to limiting additions for single-unit residences:

1. **80% FAR.** Would allow additions up to 80% of the maximum Floor to Lot Area Ratio (FAR) before parking is brought up to code. FARs measure and limit a structure's size based on lot size. Per the Zoning Ordinance, single-unit residences no larger than 80% of the maximum FAR may provide two uncovered parking spaces, instead of two covered parking spaces. Using the same limitation for residences with nonconforming parking will be consistent with already established zoning requirements and will not allow a house with nonconforming parking to be larger than one which is conforming.
2. **1,800 sq. ft. plus limited additions.** Would allow residences to be expanded up to 1,800 square feet without bringing parking up to code, with several sub-options to limit additions for houses already greater than 1,800 sq. ft. in size:
 - a. *250 square foot addition.* Some Committee members thought 250 square feet was too small of an allowance.
 - b. *500 square foot addition.* Effectively the size of a two-car garage, which could possibly be constructed on site in lieu of addition. However, site constraints may preclude a ground floor addition of a garage, but not floor area in the house (e.g., a second story)
 - c. *Percentage.* Options vary, but staff does not recommend them because they are more difficult to calculate, and more confusing to applicants.
 - d. *Site Constraints.* Additional language could be added allowing the Community Development Director to make a determination that the site is constrained in order to allow additions beyond the maximum.
3. **5+ bedrooms.** Would allow additions to other areas of the house, but would not allow 5 bedrooms or more in the house without providing conforming parking.

The benefits of continuing the limit on additions are:

- Allows a certain amount of additions before parking must be brought up to code;
- Retains a trigger for requiring conforming parking.
- Could help to reduce parking demand on the street, especially in the more densely populated neighborhoods, if an addition beyond the limit is proposed.

The potential concerns of continuing the limit on additions are:

- Many residences will be unable to provide conforming parking due to site constraints, and will not be able to construct allowable additions beyond the maximum limit. This can lead to the demolition of existing homes to make way for a new, larger house with conforming parking;
- Continued uncertainty among applicants, staff, and the public about when parking must be brought up to code;

- Any threshold limitation will not necessarily correlate to an increase in parking demand and will in effect be arbitrary (50 percent, 500 sq. ft., size of house, etc.);
- Depending on which option is selected, the new parking ordinance standards could be as (or more) confusing to understand and implement than the existing requirement, and there would be continued uncertainty among applicants, staff, and the public about when parking must be brought up to code.

Additional Question for Option 2. An additional question that must be answered is when to “start the clock.” If the clock continues to start on July 15, 1980, then houses that have already added 50% pursuant to current regulations, and as a result are already greater than 1,800 square feet in size, would not be able to further expand without bringing parking up to code. If the clock started at the adoption date of NZO, then the houses that have already added 50% and are over 1,800 square feet would be allowed to add an additional amount of floor area (i.e., double-dip).

Staff Recommendations

Multi-Unit Residential and Nonresidential Development. Staff recommends removing the maximum limitation (i.e., “The 50 Percent Rule”) for multi-unit and nonresidential development, because there are several other ordinances specifically designed to regulate the size of development in the City, and most existing apartment buildings and condominiums are “maxed out” in terms of lot coverage.

Single-Unit Residential. Staff does not have an overall recommendation of either Option 1 or Option 2 for single-unit residential development due to the scope of concerns. However, if the Planning Commission prefers Option 2, staff would recommend Sub-Option 1, limiting the addition to 80% of the FAR.

Question to Commission

Staff requests that the Planning Commission discuss the two options, and direct staff to pursue the preferred option. The preferred option may depend on the type of land use. For instance, the Planning Commission may prefer one option for single-unit residential development, and another for multi-unit residential and nonresidential development.

Frequency: Moderate Impact: High

[SBMC §28.90.001.B, NZO 28.26.020, Ch. 28.55 “Nonconforming”]

4. EATING AND DRINKING ESTABLISHMENTS, OUTDOOR SEATING

Relevant General Plan Policy/Implementation Action:

Circulation Element 5.5.4: Encourage plazas, courtyards, cafes, shops, and restaurants along walkways in commercial areas to encourage a mix of private business and public uses. Adequate width should remain for pedestrian travel.

As described in the NZO Joint Committee Staff Report, parking for outdoor dining is not currently addressed in the Zoning Ordinance. The policy applied since 1998 has been that if the number of seats outside of an eating and drinking establishment is less

than 50% of the number of seats inside, parking spaces do not have to be provided for those outdoor seats, because outdoor seats are not useable in all situations. Staff brought forward to the Committee a version of proposed provisions in NZO to codify a similar practice (based on square footage, not seats). Subsequent to Committee review, staff revised the provision to more closely match existing policy.

NZO now proposes to require parking for the outdoor seating area when it exceeds 50% of the indoor seating area, consistent with current policy. Since this has been the policy since 1998, there are many restaurants already developed with this arrangement. This approach continues to allow a limited amount of outdoor dining as an ancillary part of the business, while still requiring parking spaces if larger outdoor dining areas are proposed.

Frequency: Moderate Impact: Moderate

[Ref. NZO Table 28.26.040 “Outdoor Seating”]

5. BICYCLE PARKING

As discussed in the NZO Joint Committee Staff Report, NZO proposes long term and short term bicycle parking amounts, and would require conforming bicycle parking in specific situations. In a portion of the Central Business District, short term bicycle parking would not be required on private lots. NZO would also allow reductions to the required number of bicycle parking spaces through a Waiver by the Public Works Director. The Committee was supportive.

Frequency: Moderate Impact: Moderate

[Ref. NZO 28.26.050.B. & D., NZO 28.26.070]

6. SHOPPING CENTERS

NZO proposes new provisions for “shopping centers” by defining the term and allowing off-street parking spaces at a rate of one space per 250 square feet of floor area. The proposed definition of Shopping Center is:

An integrated group of commercial establishments that are planned and managed as a unit with a minimum of five attached businesses and shared onsite parking. Shopping Centers can include a variety of uses including, but not limited to: retail, eating and drinking establishments, small offices, and banks.

This is discussed in the NZO Joint Committee Staff Report and was supported by the Committee.

Frequency: Low Impact: Low

[Ref. SBMC §28.90.100.C. & D., NZO Ch. 28.55 “Shopping Center”, NZO 28.26.040.B.2]

7. OFF-SITE PARKING FOR RESIDENTIAL DEVELOPMENT

Relevant General Plan Policies/Implementation Actions:

Circulation Element Policy 7.6: Residential Off-site Parking. Amend the Zoning Ordinance to allow residential required parking off-site in commercial zones.

The Committee supports allowing off-site parking for residential development in commercial zones citing development flexibility as the basis for support.

Frequency: Low Impact: Moderate

[Ref. SBMC §28.90.001.R, NZO 28.26.060.A]

8. ACCESSIBLE PARKING PROVIDED IN ADDITION TO RESIDENTIAL PARKING

For new, residential or mixed-use development where one parking space per residence is required and signed, designated, accessible parking is also required, NZO proposes that the accessible parking be provided in addition to the one parking space per unit ratio to ensure that the minimum intended amount of parking is provided. The Committee supports the proposal.

Frequency: Moderate Impact: Moderate

[Ref. NZO 28.26.030.F]

9. SMALL RESIDENTIAL UNIT PARKING REDUCTION

NZO proposes that residential units of 600 square feet or less of livable floor area, excluding covered parking, and with no more than one bedroom, would be required to provide one uncovered parking space per unit, rather than the minimum of 1.25 to 2 spaces currently required, depending on development type. The Committee did not comment directly on this provision.

Frequency: Low Impact: Low

[Ref. SBMC §28.90.100.G, NZO 28.26.050.H.]

10. TANDEM PARKING

The Zoning Ordinance currently allows tandem parking for mixed-use developments when each set of tandem parking spaces is assigned to a single residential unit. NZO proposes to also allow this approach for *multi-unit residential* and *nonresidential uses* with some limitations. The Committee was supportive, and this implements Housing Element Policy 17, which encourages flexible parking standards for housing, and 1997 Circulation Element Policy 7.4 to optimize parking resources by incorporating innovative design standards.

Frequency: Low Impact: Low

[Ref. SBMC 28.90.045.D, NZO 28.26.090.E.]

11. VALET PARKING

The same 1997 Circulation Element Policy 7.4 also cites valet parking as an innovative design standard to optimize parking resources. NZO includes provisions that allow valet parking on private property, but prohibits the use of any street or City-owned parking facilities for the pick-up and drop-off activities. Any variations from the requirements must first be approved pursuant to a waiver by the Public Works Director. Ordinance provisions to allow valet parking in the public right of way are being considered separately by the Public Works Department.

Frequency: Low Impact: Low

[Ref. NZO 28.26.090.F.]

12. PARKING REQUIREMENTS FOR SPECIFIC ZONES

NZO proposes to eliminate special parking requirements in the following specific zones and incorporate the uses into the Table of Required Off-Street Parking Spaces:

- Restricted Commercial (C-P)
- Research and Development and Administrative Office (C-X)
- Senior Housing (S-H)
- Upper State Street Area Special District (S-D-2)
- Hazardous Waste Management Facility Overlay (HWMF)
- Park and Recreation (PR)

The Committee did not comment on this proposal.

Frequency: Low Impact: Low

[Ref. SBMC §28.90.100.K, NZO 28.26.040]

13. CENTRAL BUSINESS DISTRICT – ELIMINATION OF GUEST PARKING

The Zoning Ordinance requires 1 guest parking space per four residential units in multi-residential developments with more than 6 units. Guest parking is not required for Average Unit-Size Density program development or mixed use developments in the Central Business District. Consistent with General Plan policy, NZO proposes that all residential developments in the CBD shall not be required to provide guest parking.

General Plan Direction:

Housing Element Implementation Action 17.1: Consider incremental change to the Zoning Ordinance parking requirements such as: ... Eliminating guest parking requirements for housing in the Downtown Commercial area”

The Committee did not comment on this proposal.

Frequency: Low Impact: Low

[Ref. NZO §28.26.050.B.1.b]

14. CARSHARING

Relevant General Plan Policies/Implementation Actions:

Circulation Element Policy 6.8: Car-Sharing. Work with public and private interests to establish various types of car-sharing.

Carsharing was advocated by members of the public at the Module 3 Joint Committee meeting. Carsharing is a model of car rental where people rent cars for short periods of time, often by the hour. The City currently allows *on-street* carsharing programs as outlined in Title 10: Transportation and Parking.

Based on research on other communities and staff's professional judgment, NZO proposes to allow a limited substitution of required parking with designated Carsharing vehicles on multi-unit residential, nonresidential and mixed-use developments as summarized here:

Development Type	Substitution Amount
Multi-Unit Residential and Mixed-Use	Up to 5%
Nonresidential Exclusively	Up to 25%

Similar to the provisions for bicycle parking and motorcycle parking substitutions described in the NZO Joint Committee Staff Report, the provision does not allow a "reduction" in the required amount of on-site parking but rather, allows use of the required parking spaces for a carsharing program. Carsharing provisions presented here were developed after the Committee meeting and have not been reviewed by the Committee.

Frequency: Low

Impact: Low

[Ref. NZO 28.26.050.G, NZO Ch. 28.55 "Carsharing"]

15. ELECTRICAL VEHICLE SUPPLY EQUIPMENT (EVSE)

Staff has considered a public request made at the Committee meeting for electric vehicle supply equipment (EVSE) pre-wiring requirements as a component of NZO. Expanding infrastructure and providing incentives for use of lower emission vehicles is encouraged by Environmental Resources Element Policy R8.

Research confirmed that the California Green Standards Building Code (CalGreen), include pre-wiring requirements. For residential use, the provisions apply to new and existing buildings where the addition or alteration increases the building's conditioned (i.e. livable) area, volume, or size the requirements apply only to the specific area of the addition or alteration. For nonresidential development, the provisions apply to newly constructed buildings, building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or more.

Use	# of EVSE
Residential	
Single-Unit	Minimum: 1
Two-Unit	Minimum: 2 (one for each unit)
Multi-Unit - 17 or units	3% (minimum one)
Commercial	
0-9 spaces	0
10-25 spaces	1
26-50 spaces	2
51-75 spaces	4
76-100 spaces	5
101-150 spaces	7
151-200 spaces	10
201+ spaces	6%

The public requested a higher rate of EVSE pre-wiring in NZO. After considering the application of two differing rates of EVSE provisions between the Zoning Ordinance and Building Code, staff recommends for consistency that pre-wiring provisions remain as adopted by the City's Building Code and that changes to the CalGreen standards, such as increased rates of EVSE provisions, be pursued through the City's building code adopting ordinance.

The Committee has not had the opportunity to comment on EVSE pre-wiring requirements.

Frequency: Low

Impact: Low

[Ref. None.]

D. OPEN YARD

1. OPEN YARD FOR MULTI-RESIDENTIAL DEVELOPMENT - AUD DEVELOPMENT INCENTIVES

Open Yard for Multi-Residential Development - AUD Development Incentives

The New Zoning Ordinance (NZO) proposes to update the multi-family open yard requirements, while keeping the existing Average Unit-size Density program (AUD) open yard development incentives intact.

Discussion

The current zoning ordinance multi-unit open yard requirements are overly complicated and difficult to use. The New Zoning Ordinance (NZO) proposes to consolidate and reformat all of the residential open yard requirements, as well as create new and revised setback and open yard encroachments, and make an ordinance that is clear, concise, understandable, and easy to use.

The proposed changes to open yard standards were reviewed and discussed by the Planning Commission and NZO Joint Committee during review of NZO Module 2 (Development Standards). Although the changes were generally well received, there was concern that they could have an effect on the open yard development incentives allowed by the Average Unit-size Density program (AUD), and would thus change the AUD experiment mid-stream.

In response to issues raised by the Planning Commission and the public during the NZO Module 2, staff proposes a revised version of the multi-unit open yard requirements. In the previous version, common open yard was not an option; private open yard was the only option. The revised open yard provisions (Exhibit H) allow the review authority to approve an Alternative Open Yard, which serves the same function as the existing common open yard. This would allow more flexibility in architectural design, and further minimize any change to AUD projects. Staff believes that although the process differs, the end result would be no changes to the AUD experiment. However, the incentives can be made identical to the existing AUD development incentives by eliminating the required findings by the review authority. See Exhibit I for examples of current AUD projects that demonstrate there will be no effect on the AUD open yard development incentives after adoption of NZO.

See Exhibit J for a comparison of the AUD development incentives before and after NZO. A summary comparison of the existing and proposed open yard and the existing and proposed AUD open yard development incentives is provided below.

Summary of Changes to Multi-Unit Open Yard and AUD Development Incentives

Current Open Yard Requirements	Current AUD Development Incentives	Proposed Open Yard Requirements (NZO)	Proposed AUD Development Incentives	Summary of Changes
Method A – Private Outdoor Living Space		Open Yard		
<i>Private Outdoor Living Space</i> – provided per unit, by number of bedrooms.	Required	<i>Private Open Yard</i> – provided per unit, by number of bedrooms.	Required	<i>No Change</i>
<i>Open Space</i> – 10% of the net lot area; <i>excludes setbacks</i> ; no minimum dimension.	<i>Optional</i>	<i>Open Yard</i> – 15% of the net lot area; <i>includes setbacks</i> ; 10'x10' minimum dimension.	<i>Optional</i>	<i>No Change</i>
<i>Common Open Area</i> – 15'x15' area, required for 4+ units.	Required	<i>Common Open Area</i> - Not Required	Required	<i>No Change</i>
Method B – Common Outdoor Living Space		Alternative Open Yard Design		
<i>Common Outdoor Living Space</i> – 15% of the net lot area; <i>includes setbacks</i> ; one area 20'x20'; no minimum dimensions on the remainder.	May be located on grade or any floor of the building.	The review authority may approve a Common Open Yard composed of: 15% of the net lot area, one 20'x20' area, and the remainder 10' x10'.	May be located on grade or any floor of the building; no 10'x10'; review authority findings, depending on the outcome of the PC/CC discussion.	<i>No change, or Review Authority Findings Required, depending on the outcome of the PC/CC discussion</i>

Recommendation

Staff recommends that the Planning Commission review the proposal above, and use it as information for the ongoing discussions regarding the AUD experiment, which are occurring on a separate track than the NZO project. The Council and Planning Commission will hold a joint workshop on AUD on October 27, 2016. The direction given at that meeting regarding open yard will be incorporated into the Draft Zoning Ordinance scheduled for released in January 2017.

Frequency: High

Impact: Low

[Ref. SBMC §28.15.060, SBMC §28.18.060, SBMC §28.21.081, and to be included in NZO *Module 2*, Ch. 28.23]

2. NONCONFORMING OPEN YARD

Another change to the new open yard ordinance, which was not previously reviewed by the Planning Commission, is a provision to allow the Community Development Director to both designate an area on a lot as the Nonconforming Open Yard, and to approve limited additions and alterations to sites that are nonconforming to the open yard requirements without the need for a zoning Modification. This new language codifies staff's current practice to allow minor additions that do not affect the open yard, but will also allow flexibility for any projects that may become nonconforming once the NZO is adopted. See Exhibit H.

Question to Commission

Does the Commission support the proposed nonconforming open yard provisions?

Frequency: Moderate Impact: Low

[No reference, to be included in *Module 2*.]

E. ADMINISTRATION

1. GENERAL

The Committee was supportive of this new Chapter.

Frequency: High Impact: Low

[NZO Ch. 28.54]

2. MINOR ZONING EXCEPTIONS FOR ERRORS IN ZONING INFORMATION REPORTS

The Minor Zoning Exceptions (MZE) process has been recently developed to address specific discrepancies and errors in previously issued Zoning Information Reports (ZIRs). Changes proposed by NZO would allow most MZE items by right. The few circumstances that would remain subject to MZE are:

- Conversion of an encroaching garage or carport to other parking if between 3-feet and 5-feet from the interior lot line
- Encroaching first story windows in the interior setbacks if between 3-feet and 5-feet from the interior lot line
- As built ground floor decks, 200 square feet, attached to a main building, at least 2-feet from the interior lot line
- Additions exceeding the Maximum Floor Area Ratio

The NZO Joint Committee Staff Report identified three options to address those circumstances with staff recommending Option 2:

Option 1: Use the NZO provisions and modification process for those few remaining circumstances; or

Option 2: Retain minor or "left-over" MZE items in the new NZO ZIR Chapter as exceptions; or

Option 3: Retain the entire MZE process as currently developed within NZO.

At the Module 3 Joint Committee meeting and in a follow up meeting with staff, representatives of the Santa Barbara Association of Realtors who were involved in the crafting of the MZE process expressed support for Option 2 and NZO provisions reflect that approach.

Frequency: Low Impact: Low

[Ref. SBMC §28.92.130, NZO 28.71.080]

F. RULES OF MEASUREMENT AND DEFINITIONS

1. RULES OF MEASUREMENT

With some minor corrections and clarifications, the Committee was supportive of this new Chapter.

Frequency: High Impact: Low

[NZO Ch. 28.03]

2. DEFINITIONS

The Committee expressed support for the Definitions Chapter including removal of development standards from within some definitions.

Frequency: High Impact: Low

[Ref. SBMC Ch. 28.04, NZO Ch. 28.75]

G. TEMPORARY USES

As discussed in the NZO Joint Committee Staff Report, NZO proposes a new chapter to provide procedures for the regulation of temporary uses. There are three different levels of permits for temporary uses (Zoning Clearance, Performance Standard Permit, and Conditional Use Permit) as well as identifying certain uses that are exempt from a permit. In general, the Committee was supportive of the new procedures and standards. Subsequent to the Module 3 Joint Committee meeting, staff made a few minor updates to the chapter.

Temporary Structures

Staff added additional standards for regulating the size, zone, duration, and required parking for temporary structures. This section also incorporates the existing standards for the commercial use of mobile homes.

Seasonal Sales

Staff updated seasonal sales to be allowed in all nonresidential zones, consistent with the other temporary uses.

Mobile Food Vendors

An earlier provision for displaced parking was accidentally left off the draft of the document reviewed by the Committee. Staff returned the language that would allow up

to three parking spaces, no more than 10%, of the total number of parking spaces on site to be displaced for up to four hours, during business hours.

Frequency: Moderate Impact: Low

[Ref. SBMC §28.97.290, §28.94.030, NZO 28.26.350, NZO Ch. 28.57]

H. SUSTAINABLE LIVING RESEARCH INITIATIVE (SLRI)

Representatives of the Sustainable Living Research Initiative (SLRI) requested that NZO include a program or performance-based approval that would allow for experimental residential development with relaxed zoning standards in order to meet sustainability goals. The SLRI program would include provisions to roll back the development to more closely align with base zoning standards if goals were not met. As discussed in the NZO Joint Committee Staff Report, staff explored the SLRI proposal, and while the goals are admirable, the challenges of time and expense involved with monitoring and processing give pause for support of this particular approach. The Committee agreed with the staff assessment and that the proposal was outside the scope of NZO. However, the Committee expressed strong support for the concepts and recommended that the advocates present the SLRI proposal to the City's Sustainability Committee for further exploration.

III. NEXT STEPS AND TIMELINE

The Planning Commission's direction will be incorporated into the draft NZO. The next step will be the preparation of a complete Draft Zoning Ordinance for release to the public in January 2017. Staff anticipates scheduling an open house and hearing during the day and also evening in support of public participation.

Upcoming schedule:

Release of Draft Zoning Ordinance	January 2017
Planning Commission Public Hearings (two meetings)	Feb./Mar. 2017
Release of Revised Draft Zoning Ordinance	April 2017
Ordinance Committee & City Council Adoption	May/June 2017

Staff encourages any public member that wishes to be noticed of future meetings associated with this effort to register on the NZO website:
<http://www.santabarbaraca.gov/services/planning/mpe/zoning/default.asp>

Exhibits:

- A. NZO Joint Committee Staff Report, Module 3, dated August 19, 2016 (with corrections)
- B. NZO Joint Committee Staff Notes, August 29, 2016
- C. Draft Module 3: Administration, Parking, and Temporary Uses, dated September 30?, 2016
- D. General Plan Policies Related to Parking
- E. Map – Proposed Central Business District Expansion, General

- F. C-M Zone Land Uses in Proposed Central Business District Expansion (spreadsheet)
- G. Map- Proposed Central Business District Expansion into C-M Zone, Options
- H. Open Yard Proposed Ordinance – Draft NZO *Module 2*, Chapter 28.23
- I. AUD Open Yard Examples (3885 State St., 510 N. Salsipuedes St, 1032 Santa Barbara St.)
- J. AUD Development Incentives Comparison
- K. Public Comments Received (after the NZO Joint Committee meeting of August 29, 2016)